

Exhibit 5

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VIRTAMOVE, CORP., §
Plaintiff, § Case No. 2:24-cv-00093-JRG
§ (Lead Case)

v. §

HEWLETT PACKARD ENTERPRISE § **JURY TRIAL DEMANDED**
COMPANY, §
Defendant. §

VIRTAMOVE, CORP., §
Plaintiff, § Case No. 2:24-CV-00064-JRG
§ (Member Case)

v. §

INTERNATIONAL BUSINESS § **JURY TRIAL DEMANDED**
MACHINES §
CORP., §
Defendant. §

**DECLARATION OF MARK WOODWARD IN SUPPORT OF PLAINTIFF
VIRTAMOVE, CORP.'S OPPOSITION TO MOTION TO TRANSFER VENUE**

I, Mark Woodward, declare and state as follows:

1. I submit this declaration in support of Plaintiff's Opposition to Motion to Transfer Venue. I have personal knowledge of the facts set forth herein, and if called upon to testify, could and would testify competently thereto.

2. I am the former vice president of product engineering at AppZero, which is a predecessor of VirtaMove Corp.

3. I currently reside in Lyndhurst, Ontario, Canada, which is a small town near Ottawa, Ontario, Canada.

4. I am willing and expect to travel to Texas to testify in the above-captioned cases. I do not personally find this inconvenient. I do find cross-continental travel to the NDCA to be inconvenient.

5. I am willing and expect to travel to Texas for the cases *VirtaMove, Corp. v. Amazon.com, Inc.*, No. 7:24-cv-30 (W.D. Tex); *VirtaMove, Corp. v. Google LLC*, No. 7:24-cv-33 (W.D. Tex); *VirtaMove, Corp. v. International Business Machines Corp.*, No. 2:24-cv-64 (E.D. Tex); and *VirtaMove, Corp. v. Hewlett Packard Enterprise Company*, No. 2:24-cv-96 (E.D. Tex). I expect to regularly travel to Texas to prepare for, attend hearings in, and testify in these cases, so I would not find travel for any one specific case in Texas to be inconvenient if I will be in Texas for other cases anyway. I have no specific plans to travel to the Northern District of California.

6. I would prefer to travel to Marshall, Texas for trial instead of to the Northern District of California because I believe it will be both less expensive and closer.

7. For expenses, I have estimated my per-diem rates using the GSA website, and San Francisco looks to be more than two or three times as expensive, depending on the month. Below are true and correct screenshots of the GSA estimated rates for Marshall, Texas and San Francisco, CA from:

<https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-results?>

[action=perdiems_report&fiscal_year=2024&state=CA&city=San+Francisco](#), and
<https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-results?>
[action=perdiems_report&fiscal_year=2024&state=TX&city=Marshall.](#)

FY 2024 Per Diem Rates for San Francisco, California

Change fiscal year: [2025](#) [2024](#) [2023](#) or [New Search](#)



Daily lodging rates (excluding taxes) | October 2023 - September 2024



Cities not appearing below may be located within a county for which rates are listed. To determine the county a destination is located in, visit the [Census Geocoder](#).

[Filter Results...](#)

Primary Destination	County	2023 Oct	Nov	Dec	2024 Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
San Francisco	San Francisco	\$288	\$288	\$288	\$333	\$333	\$333	\$270	\$270	\$270	\$270	\$270	\$288

Showing 1 to 1 of 1 entries

FY 2024 Per Diem Rates for Marshall, Texas

Change fiscal year: [2025](#) [2024](#) [2023](#) or [New Search](#)



Daily lodging rates (excluding taxes) | October 2023 - September 2024



Cities not appearing below may be located within a county for which rates are listed. To determine the county a destination is located in, visit the [Census Geocoder](#).

[Filter Results...](#)

Primary Destination	County	2023 Oct	Nov	Dec	2024 Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Standard Rate	Applies for all locations without specified rates	\$107	\$107	\$107	\$107	\$107	\$107	\$107	\$107	\$107	\$107	\$107	\$107

Showing 1 to 1 of 1 entries

8. If I needed to travel a whole week for trial plus several days of preparation, then I estimate the resulting cost difference to be substantially less expensive in Marshall, Texas.
9. I have used the website www.travlemath.com to estimate my straight-line flying

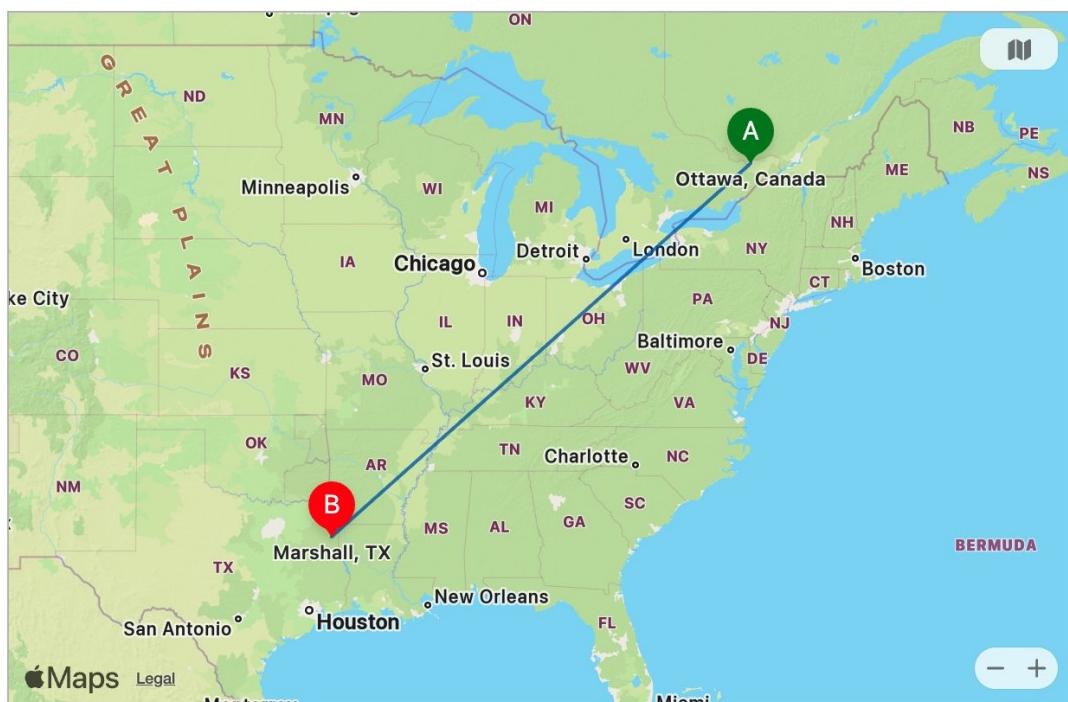
times between Ottawa, ON, Canada to both Marshall, Texas and to San Francisco, California. The following are true and correct excerpts showing that the estimated travel times and travel distances are more convenient for Marshall, Texas (3 hours, 10 minutes to travel 1,335 miles) as compared to San Francisco (5 hours, 23 minutes to travel 2,444 miles).

The flight time from Ottawa, Ontario to Marshall, Texas is:

3 hours, 10 minutes

From: Ottawa, Canada	To: Marshall, TX	Get: flight time
Depart: 09/13/2024	Return: 09/19/2024	From: Ottawa, Canada
Get: flight	To: Marshall, TX	CALCULATE
Powered by MediaAlpha		

Flight map from Ottawa, Canada to Marshall, TX



Open this map directly on [Google Maps](#). For a quick answer, you can use [TheDistanceNow.com](#) to get the [distance from Ottawa to Marshall](#).

...

Flying time from Ottawa, Canada to Marshall, TX

The total flight duration from Ottawa, Canada to Marshall, TX is **3 hours, 10 minutes**.

This assumes an average flight speed for a commercial airliner of 500 mph, which is equivalent to 805 km/h or 434 knots. It also adds an extra 30 minutes for take-off and landing. Your exact time may vary depending on wind speeds.

...

If you're planning a trip, remember to add more time for the plane to taxi between the gate and the airport runway. This measurement is only for the actual flying time. You should also factor in airport wait times and possible equipment or weather delays. If you're trying to figure out what time you'll arrive at the destination, you may want to see if there's a [time difference between Ottawa, Canada and Marshall, TX](#).

The calculation of flight time is based on the straight line [distance from Ottawa, Canada to Marshall, TX](#) ("as the crow flies"), which is about **1,335 miles** or **2 149 kilometers**.

Your trip begins in Ottawa, Canada.

It ends in Marshall, Texas.

...

The flight time from Ottawa, Ontario to San Francisco International Airport is:

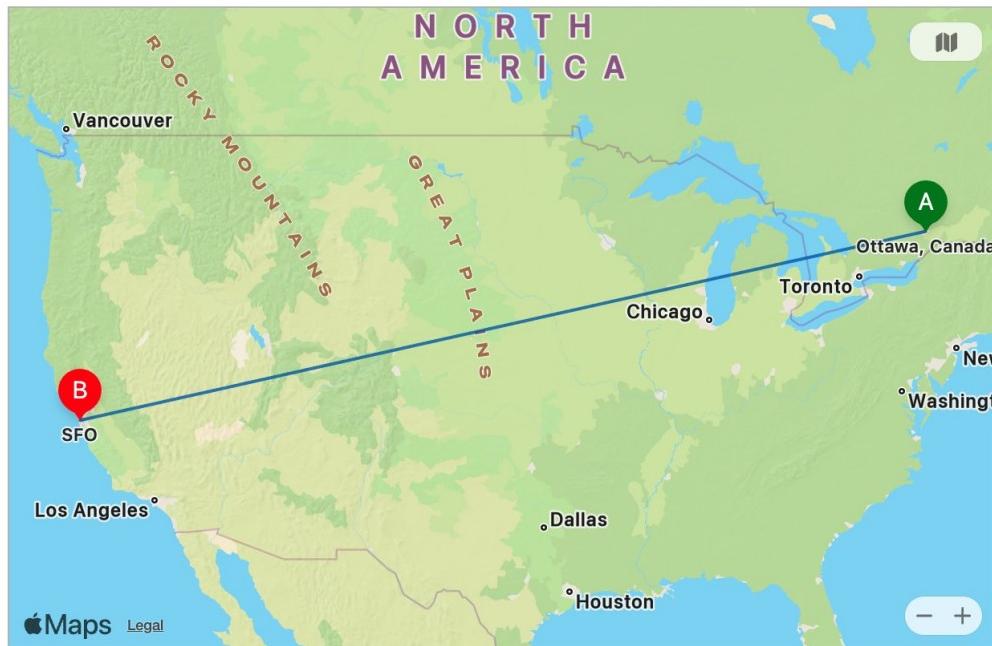
5 hours, 23 minutes

From: <input type="text" value="Ottawa, Canada"/>	Get: <input type="text" value="flight time"/>
To: <input type="text" value="SFO"/>	From: <input type="text" value="Ottawa, Canada"/>
Depart: <input type="text" value="09/13/2024"/>	To: <input type="text" value="SFO"/>
Return: <input type="text" value="09/19/2024"/>	CALCULATE
Get: <input type="text" value="flight"/> <input checked="" type="checkbox"/> SEARCH	

Powered by MediaAlpha

...

Flight map from Ottawa, Canada to SFO



Open this map directly on [Google Maps](#).

...

Flying time from Ottawa, Canada to SFO

The total flight duration from Ottawa, Canada to SFO is **5 hours, 23 minutes**.

...

This assumes an average flight speed for a commercial airliner of 500 mph, which is equivalent to 805 km/h or 434 knots. It also adds an extra 30 minutes for take-off and landing. Your exact time may vary depending on wind speeds.

If you're planning a trip, remember to add more time for the plane to taxi between the gate and the airport runway. This measurement is only for the actual flying time. You should also factor in airport wait times and possible equipment or weather delays. If you're trying to figure out what time you'll arrive at the destination, you may want to see if there's a [time difference between Ottawa, Canada and SFO](#).

The calculation of flight time is based on the straight line [distance from Ottawa, Canada to SFO](#) ("as the crow flies"), which is about **2,444 miles** or **3 934 kilometers**.

...

Your trip begins in Ottawa, Canada.

It ends at San Francisco International Airport in San Francisco, California.

Your flight direction from Ottawa, Canada to SFO is **West** (-86 degrees from North).

The flight time calculator measures the average flight duration between points. It uses the great circle formula to compute the travel mileage.

10. Based on these estimates, I believe that my travel to Marshall, Texas will be much more convenient than travel to San Francisco, California because my travel will be less expensive, faster, and closer. For these reasons, I am unwilling to travel to San Francisco, California for trial.

11. I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.

Executed on September 18, 2024 at Ottawa, Ontario, Canada.



Mark Woodward